REMARKS

Reconsideration of the application is requested in view of the amendment to the claims and the remarks presented herein.

The claims in the application are claims 1, 3 to 14 and 17 to 19, all other claims having been cancelled. A period has been added at the end of Claim 12 and line 2 of each claim uses –composition-.

Claims 1 to 16 have been rejected under 35 USC 112, second paragraph as being indefinite. Claim 1 was deemed indefinite in the term "or combined" and Claim 10 for the term "global". Claim 12 was deemed indefinite in "some" and Claim 11 lacked antecedent basis for "the excipient or vehicle". Claims 15 and 16 were deemed indefinite.

Applicant traverses these grounds of rejected as the amended claims are believed to comply with 35 USC 112. Claim 1 no longer contains "free or combined" and Claims 10 and 11 now refer to total weight. Claim 14 has antecedent basis and Claims 15 and 16 have been cancelled. Therefore, withdrawal of these rejections is requested.

Claims 1, 2, 4, 8, 10, 11 and 15 were rejected under 35 USC 102 as being anticipated by the Nippon Oils reference and claims 1, 2, 4, 5, 8, 10, 11 and 15 were rejected under 35 USC 102 as being anticipated by the Yeo patent. The Examiner states

that Nippon Oils teaches compositions of at least 10% of EPA and 20 to 70% by weight of DHA together with fats from sardines and Perilla species and that Yeo teaches composition of 5 to 30% by weight of EPA and 40 to 70% by weight of ALA in capsule or liquid form.

Claims 3, 9, 13 and 14 are rejected under 35 USC 103 as being obvious over Nippon Oils taken in view of Maingault and Claims 3 to 7, 9 and 14 are rejected under 35 USC 103 as being obvious over Yeo taken in view of Maingault. The Maingault is cited as showing use of various oils.

Applicant traverses these grounds of rejection since the Nippon Oils or Yea neither anticipate nor render obvious the invention or anticipate the invention taken alone in view of Maingault. The Nippon Oils reference discloses thrombogenic compositions containing a) Fats and oils containing at least 10% by weight of eicosapentaenoic acid and dodosahexaenoic acid and / or fats containing 20 to 70% by weight of α-linolenic acid b) 2 – 20% of lecithin c) 20 to 70% of protein or hydrolysate thereof.

Clearly it appears that this mixture is not made only of fatty acids or their derivatives but also of lecithin and proteins which are therefore the main components and have to be considered as responsible for the biological activity.

The Examiner stated that this composition comprises at least 10% EPA and DHA and 20 to 70% ALA. It is not certain since it is an alternative when it is said: "fats

containing 20 to 70% by weight of α-linolenic acid". What it means is not clear. Does it mean that the fat contains 20-70% ALA or that the unknown content of fat provides some α-linoleic acid. The only known percentage is this content of ALA in the fats or oils. Moreover this composition contains a high percentage of lecithins and almost of protein.

Consequently, this composition is useful for the treatment of arteriosclerosis which ailment has nothing to do with the application's mixture which is useful for treating atheromatosis.

Atherosclerosis is defined as a mascroscopic induration of arters caused by the fibrous thickening of the wall, predominantly on the intima and the media layer, Atheromatosis is defined as:

"Atheromatosis is a disease where a yellowish plate appearing on the wall of an arter formed by the clustering of lipidoglucido proteidic mixture with or without calcium deposit. The lesion are often multiple."

They are two different diseases which are treated by different means and which are originated in the case of atheromatosis by risk factors such as arterial hypertension obesity, tabagism, diabetes, hyperlipidemia or hyperuricemia.

Therefore this ground of rejection has to be seriously discussed since in this reference nothing is disclosed which could treat atheromatosis and the role played by the polyunsaturated fatty acids is very specific.

The Yeo reference is also quite different since it relates to a liquid mixture containing EPA and α-linolenic acid and optionally an antioxidant. This mixture needs to be used at a very high percentage to be effective (15ml of the composition every eight hours i.e. three times a day). It is not possible to say whether this composition may be safely administered, or not. It may be conceivable that the digestion of a so high content of fatty material may lead to severe digestive ailments.

Further, these mixtures are intended to treat acne in limiting the conversion of linolenic acid into arachidonic acid and thus limiting the inflammatory reactions associated with acne. Nothing is similar with the compositions of the invention. The claimed compositions contain both EPA and DHA when the Yeo's combination namely contains some EPA. No interchange in the fatty acids maybe contemplated.

Therefore, the claimed compositions have no activity on inflammatory conditions neither on the symptoms of acne. It may be thus concluded that the presence of DHA is of high value and leads to different activities. Therefore, withdrawal of these rejections is requested.

Claims 1 to 8 and 10 to 16 have been rejected under 35 USC 103 as being obvious over the Matsuura et al patent and Claim 9 is rejected as being obvious over Matsuura et al taken in view of Maingault which is cited to show kiwi seeds are high in ALA. The Examiner states that Matsuura discloses that GLA and ALA are derived from plant oils and EPA and DHA are derived from fish oils and can be used in different forms.

Applicant traverses this ground of rejection since Matsuura relates to a diet composition for pets containing an anti-flatulent, at least one polyunsaturated fatty acid and biotin and may contain oligosaccharide to enhance the anti-flatulent effect. Other inactive ingredients can be present in a 5 to 95% of these dietary compositions act through the improvement of the intestinal bacterial flora leading to a lessened percentage of decomposition for the polyunsaturated fatty acid or biotin and finally a therapeutic effect against dermatosis.

Therefore it has to be stressed that the active ingredients in such dietary composition are the anti-flatulent agent and the lactic acid producing bacterial strain and the result thereof is the improvement of the condition of the skin in the pets.

This reference has thus very few matters in common with the present application. The reference to Maingault M. (Biovaleur SA) relates to the use of a mixture of linolenic acid in the form of kiwi seeds oil as the main ingredient, for insuring or improving the maintenance or the development of the brain in the children or in the men. These compositions contain glucids (32.2%) and lipids, a part of which are mono unsaturated fatty acids (linolenic acid), polyunsaturated fatty acids (42.8% and 35% α-linolenic acid) and saturated fatty acids (12.8%).

Nothing in the patent suggests to add to said oil other polyunsaturated ingredients such as fish oils. Therefore, withdrawal of these rejections is requested.

In view of the amendment to the claims and the above remarks, it is believed that the claims point out Applicant's patentable contribution. Therefore, favorable reconsideration of the application is requested.

Respectfully submitted,

Charles A. Muserlian #19,683
Attorney for Applicant
Tel. 212 309 8989

CAM:mlp
Enclosures

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I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Charles A. Muserlian #19,683

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